

DEPARTMENT OF HEALTH AND SOCIAL SERVICES 137
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quire references of all applicants and shall contact references by phone or letter before certifying an applicant.

(c) *Compliance with standards and certification.* The county agency shall process all certification applications as follows:

1. If the application is for certification under sub. (2) (a), the county agency shall ensure that the applicant is in compliance with all standards under s. HSS 55.61 prior to issuing a certificate.

2. If the application is for certification under sub. (2) (b) or (c), the county agency shall refer the application to a licensing representative in the department's regional office. The licensing representative shall determine whether the applicant is in compliance with all standards under s. HSS 55.62 or meets current day care center standards set out in subchs. I and II or III, as applicable, and report back to the county agency. The county agency may issue a certificate based on the licensing representative's report.

(d) *Approval.* Within 60 days after receiving a completed application for certification or recertification, the county agency shall either approve the application and issue a certificate or deny the application. If an application is denied, the county agency shall give the applicant the reasons, in writing, for denial.

(4) **CATEGORIES OF CERTIFICATION.** Certification of a provider by a county agency shall be provisional, regular or limited as follows:

(a) *Provisional certification.* Provisional certification shall be issued for the purpose of determining whether a provider is able to come into compliance with designated standards prior to granting regular certification. Provisional certification shall be the initial stage of regular certification, shall be restricted to 6 months, and may not be renewed;

(b) *Regular certification.* Regular certification may be issued only after the provider has demonstrated compliance with all certification standards during the 6-month provisional certification. Regular certification shall be for a period of one year and shall be renewed annually upon application and if the provider continues to comply with the certification standards; or

(c) *Limited certification.* In order to meet emergency or short-term needs, limited certification may be issued to a provider for no more than 30 consecutive days and not more than 3 times in any 12-month period. The department may designate particular standards in this subchapter that may be waived by a county agency for this category of certification provided that the health, safety and welfare of children in the care of the provider will not be adversely affected.

(5) **EXCEPTIONS TO PARTICULAR CERTIFICATION REQUIREMENTS.** A county agency may grant an exception to any standard in s. HSS 55.61, 55.62 or 55.63 if the county agency is convinced that an alternative means meets the intent of the requirement.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85.

HSS 55.59 Sanctions. (1) The county agency shall deny, suspend, revoke or refuse to renew certification and discontinue payment for care if the certified day care operator, day care program employee, provider, as-

sistant to the provider, substitute provider or person living in the family day care provider's home:

(a) Is the subject of a pending criminal charge if the charge substantially relates to the circumstances of caring for children or the activities of the home; or

(b) Has been convicted of a felony, misdemeanor or other offense the circumstances of which substantially relate to the care of children or activities of the home.

(2) The county agency may deny, suspend, revoke or refuse to renew certification and discontinue payment for care if the certified day care operator, day care program employe, provider, assistant to the provider, substitute provider or person living in the family day care provider's home:

(a) Has been determined to have abused or neglected a child pursuant to s. 48.981, Stats.; or

(b) Is the subject of a court finding that the person has abandoned his or her child, has inflicted emotional damage or sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of a child.

(3) The county agency may deny, suspend, revoke or refuse to renew certification and discontinue payment for care if:

(a) The provider is not in compliance with certification standards under s. HSS 55.61, 55.62 or 55.63, as appropriate; or

(b) The provider's references or other community information does not support the provider's declaration that he or she is able to provide an acceptable level of child care.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85.

HSS 55.60 Appeal. If a county agency denies, suspends, revokes or refuses to renew a certification, the county agency shall notify the provider in writing and give reasons for the action. The action is reviewable pursuant to ch. 68, Stats., which provides for administrative review of the decisions of local agencies.

History: Cr. Register, August, 1985, No. 356, eff. 9-1-85.

HSS 55.61 Standards for family day care and in-home day care. (1) QUALIFICATIONS OF PROVIDERS. (a) Age and ability. 1. The provider shall be at least 18 years of age and shall be physically and emotionally able to provide responsible child care.

2. The provider shall ensure that any person assisting in the care of children is at least 16 years of age and is physically and emotionally able to provide responsible child care.

3. The provider shall ensure that any substitute provider is at least 18 years of age and is physically and emotionally able to provide responsible child care.

4. The provider and any person assisting in the care of the children shall be required to sign a statement affirming that he or she has not been
Register, June, 1986, No. 366